

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALICIA ADDONIZIO,

Plaintiff,

Case No.

-against-

NUVANCE HEALTH and PUTNAM HOSPITAL CENTER,

COMPLAINT

Jury Trial Demanded

Defendants.
-----X

The Plaintiff ALICIA ADDONIZIO by and through her attorneys, BERLINGIERI LAW, PLLC, as and for her Complaint in this action against the Defendants NUVANCE HEALTH and PUTNAM HOSPITAL CENTER respectfully alleges upon information and belief as follows:

NATURE OF CASE

1. This is a civil action for damages and equitable relief based upon willful violations that Defendant committed of Plaintiff's rights guaranteed to her by federal and state law, and complains for causes of action of: (i) discrimination based on religion under Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. § 2000e *et seq.*, as amended ("Title VII"); (ii) retaliation under the Title VII; (iii) discrimination based on religion, Article 15 of the Executive law the New York State Human Rights Law ("NYSHRL") § 296, *et seq.*; (iv) retaliation under NYSHRL; (v) any other claims(s) that can be inferred from the facts set forth herein.

2. Plaintiff seeks monetary relief including, but not limited to: compensatory and punitive damages; attorney's fees and the costs of this action; together with any and all other appropriate legal and equitable relief pursuant to applicable state and federal law.

3. Costs, expert witness fees and attorney's fees are sought pursuant to 42 U.S.C. § 1988.

JURISDICTION AND VENUE

4. This Court has jurisdiction as this case involves a Federal under Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e *et seq* as amended, , 28 U.S.C. §1331, §1343 and pendent jurisdiction thereto.

5. This Court has supplemental jurisdiction under the State laws of New York. This Court has supplemental jurisdiction over Plaintiff's related claims arising under NYSHRL and any and all state and local law pursuant to 28 U.S.C. §1367 (a).

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391 (b). The acts and transactions complained of herein occurred in this District, Plaintiff resides and resided in this District during the course of her employment, and Defendant was and is located in this District.

7. Plaintiff filed claims with the Equal Employment Opportunity Commission ("EEOC") on or about October 12, 2021, against Defendant Nuvance Health And Putnam Hospital Center (EEOC No. 520-2022-00763).

8. On September 24, 2022, the EEOC, issued Plaintiff a Notice of Right to Sue annexed hereto as **Exhibit A**. However, Plaintiff and her counsel did not receive the right to sue letter until February 14, 2023, the Plaintiff's undersigned counsel received the EEOC right to sue letter from the EEOC investigator assigned to the case directly via email after multiple attempts to obtain the EEOC right to sue letter. See attached EEOC emails with undersigned counsel annexed hereto as **Exhibit B**.

9. Plaintiff and her undersigned counsel did not have access to Charge EEOC No. 520-2022-00763 on the EEOC online portal during any time of the EEOC process, the EEOC did not notify the parties that the right to sue letter was uploaded, and received the right to sue letter

on February 14, 2023, via email.

THE PARTIES

10. Plaintiff was and is a resident of the State of New York, Count of Putnam at all relevant times herein.

11. Defendant Nuvance Health (“Nuvance”) is a private not-for-profit corporation formed under the laws of the State of New York, headquartered at 24 Hospital Ave, Danbury, CT 06810, and is registered to receive service of process in the State of New York at C T Corporation System, 28 Liberty Street, New York, NY 10005.

12. Defendant Putnam Hospital Center (“Putnam Hospital”) is a private not-for-profit corporation formed under the laws of the State of New York, headquartered at 670 Stoneleigh Ave, Carmel Hamlet, NY 10512, and is registered to receive service of process in the State of New York at C T Corporation System, 28 Liberty Street, New York, NY 10005.

13. Defendants Nuvance and Putnam Hospital are herein referred to as (“Defendants”).

BACKGROUND FACTS

14. Defendant Nuvance operates not-for-profit health system with facilities spanning from New York State's Hudson Valley region to western Connecticut. Nuvance Health was formed in 2019 when Health Quest and Western Connecticut Health Network merged.[1][2] It employs approximately 2,600 physicians and 12,000 ancillary staff, and serves approximately 1.5 million residents.

15. Defendant Putnam Hospital is a hospital within the Nuvance hospital system.

16. Plaintiff was a Patient Care Technician (“PCT”)and worked for Defendants commencing in or around 2001 at Putnam Hospital.

17. Plaintiff worked at Putnam Hospital from approximately 2001 until about April 30, 2006, and then returned again to Putnam Hospital on or about May 7, 2012, until her termination on or about October 18, 2021.
18. Plaintiff's religion is Christian.
19. Plaintiff disclosed to Defendant that she was a person of faith.
20. Plaintiff maintains sincerely held religious beliefs that do not allow her to be vaccinated.
21. Plaintiff is unvaccinated from the COVID-19 virus and refuses to take the vaccine due to her sincerely held religious beliefs but would use a mask and submit to weekly testing as a feasible alternative.
22. In or around August 16 2021, Defendant announced that it would be mandating the COVID-19 vaccine for all of its employees.
23. The Defendants policy "*Nuvance Health's Mandatory COVID-19 Vaccination Policy*" mandated that employees be fully vaccinated by October 1, 2021.
24. On September 20, 2021, Plaintiff spoke with her manager Suzanna Martz ("Ms. Martz"), who informed Plaintiff that she would need to be fully vaccinated by October 1, 2021.
25. Ms. Martz then provided Plaintiff a Nuvance form to fill out for her religious exemption request.
26. On September 20, 2021, Plaintiff submitted a religious accommodation request form to Defendant, requesting an accommodation based on her sincerely held religious beliefs for an exemption to the COVID-19 vaccine.
27. Plaintiff informed Defendant that she would wear a mask, social distance and submit weekly COVID-19 tests if the exemption was granted.

28. Plaintiff explained to Defendant in her religious accommodation request in part that aborted fetal cells used in the development or testing of the COVID19 vaccine interfered with her Christian religious beliefs as well as her health and wellbeing.
29. Plaintiff specifically stated in her religious accommodation request “I am exercising my right to receive a religious exemption for vaccination. The Johnson & Johnson vaccine uses retinal cells from a fetus that was aborted in 1985 and treated in a lab since, the Pfizer and Moderna vaccines test the MRNAs on fetal cell lines from an aborted fetus cell from 1973. Therefore, as a faithful Christian, opposed to abortion, I cannot according to the Church tenets on conscience which I outlined us any product that takes its origin in abortion. I have the right to an objection of conscience regarding what is put into my body. These vaccines would be a violation of my faith that opposes abortion on the duty to adhere to moral conscience, therefore, under the teachings I follow I am religiously and morally bound, I submit this exemption for vaccination.
30. Plaintiff also certified that she has maintained such sincerely held religious beliefs for 20 years in her vaccination exemption form in response to the question “How long have you been practicing this belief?”
31. Plaintiff then spoke with Leigh DiMarco (“Ms. DiMarco”), Putnam Hospital’s human resources manager, who informed Plaintiff that Nuvance would accept her religious accommodation request for review, despite the request being a few days past the deadline.
32. Ms. DiMarco confirmed that Nuvance would accept and review her request for religious accommodation.
33. On September 27, 2021, Ms. DiMarco called Plaintiff to ascertain whether Plaintiff would be getting the COVID-19 vaccination.

34. Plaintiff responded “No” to Ms. DiMarco and requested follow-up information regarding the status of her religious accomodation request.
35. Ms. DiMarco informed Plaintiff that her request was still pending with Nuvance HR.
36. On October 3, 2021, Plaintiff was placed on administrative leave for non-compliance with the Defendants’ vaccine mandate.
37. On October 4, 2021, Plaintiff received an email from Defendants’ HR denying her application for religious exemption from receiving the COVID19 vaccine, without adequate reasoning for why the Defendants could not accommodate her.
38. In the same correspondence Plaintiff was given the option to become vaccinated by October 8, 2021, or her employment would be terminated at Defendant.
39. Plaintiff refused to get the vaccine.
40. On October 8, 2021, Plaintiff spoke with Ms. DiMarco on the phone and informed her that she would not get the vaccination.
41. Plaintiff also complained to Ms. DiMarco that Defendants were being treated differently for submitting a religious accommodation request and asked them to reconsider.
42. Defendant failed to engage in an interactive process with Plaintiff prior to denying Plaintiff’s religious exemption requests for accommodation.
43. Defendant was harsh and hostile to Plaintiff on the basis of her religious beliefs.
44. On or about October 15, 2021, Defendants’ Vice President, Strategic Business Partnering & HR Governance, Kathryn D. Cullinan sent Plaintiff a letter indicating that she was non-compliant with the Defendants’ policy and that her termination would be effective October 18, 2021.

45. Defendants terminated Plaintiff on October 18, 2021 for non-compliance with its COVID19 vaccination policy after denying her religious accommodation.

AS AND FOR A FIRST COUNT
FOR DISCRIMINATION UNDER TITLE VII

46. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

47. Title VII states in relevant part as follows: SEC. 2000e-2. [Section 703] (a) Employer practices: It shall be an unlawful employment practice for an employer - (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; . . .

48. Defendant the employer Defendants engaged in unlawful employment practices prohibited by 42 U.S.C. §2000e et seq., by allowing discrimination based on religion prior complaints and causing a hostile work environment.

49. The employer Defendants violated the above and Plaintiff suffered numerous damages as a result.

AS AND FOR A SECOND COUNT
FOR RETALIATION UNDER TITLE VII

50. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

51. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-3(a) provides that it shall be unlawful employment practice for an employer: “(1) to . . . discriminate against any of his employees . . . because [s]he has opposed any practice made an unlawful employment practice by this subchapter, or because [s]he has made a charge, testified, assisted or participated

in any manner in an investigation, proceeding, or hearing under this subchapter.”

52. The employer Defendants engaged in unlawful employment practice prohibited by 42 U.S.C. §2000e *et seq.* by retaliating against Plaintiff with respect to the terms, conditions or privileges of employment because of her opposition to the unlawful employment practices of the employer Defendants.

53. The employer Defendants violated the above and Plaintiff suffered numerous damages as a result.

AS AND FOR THE THIRD CAUSE OF
ACTION DISCRIMINATION UNDER
NEW YORK STATE HUMAN RIGHTS LAW
(AGAINST ALL DEFENDANTS)

54. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

55. Executive Law § 296 provides that “1. It shall be an unlawful discriminatory practice: (a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.”

56. Defendants engaged in an unlawful discriminatory practice by discriminating against the Plaintiff based on disability, requests for religious accommodation, and prior complaints.

57. Plaintiff hereby makes a claim against all Defendants under all of the applicable paragraphs of Executive Law Section 296.

58. Plaintiff seeks damages as a result of Defendants’ unlawful conduct.

AS AND FOR THE FOURTH CAUSE OF ACTION
NEW YORK STATE HUMAN RIGHTS LAW
(AGAINST ALL DEFENDANTS)

59. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.
60. New York State Executive Law §296(7) provides that it shall be an unlawful discriminatory practice: “For any person engaged in any activity to which this section applies to retaliate or discriminate against any person because he has opposed any practices forbidden under this article.”
61. Defendants engaged in an unlawful discriminatory practice by creating a hostile work environment based on disability and wrongfully retaliating against Plaintiff.

DEMAND FOR A JURY TRIAL

62. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demands a trial by jury on all claims in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- A. A judgment declaring that the practices complained of herein are unlawful and in willful violation of the aforementioned federal; and state laws;
- B. Awarding Plaintiff compensatory damages;
- C. Awarding Plaintiff punitive damages;
- D. Awarding Plaintiff costs and disbursements incurred in connection with this action, including reasonable attorneys’ fees, expert witness fees, and other costs;
- E. Pre-judgment and post-judgment interest, as provided by law; and

F. Granting Plaintiff further relief as this Court finds necessary and proper.

Dated: New York, New York
February 24, 2023

Respectfully submitted,

By: Christopher J. Berlingieri
CHRISTOPHER J. BERLINGIERI, ESQ. (CB1988)
BERLINGIERI LAW, PLLC
Attorney for Plaintiff
244 Fifth Avenue, Suite F276
New York, New York 10001
Tel.: (347) 766-5185
Fax: (914) 730-1044
Email: cjb@nyctlaw.com

EXHIBIT A

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (*ISSUED ON REQUEST*)

To: **Alicia Addonizio**
39 Fair Street
Carmel, NY 10512

From: **New York District Office**
33 Whitehall St, 5th Floor
New York, NY 10004

EEOC Charge No.
520-2022-00763

EEOC Representative
Christopher Fuentes,
Federal Investigator

Telephone No.
(929) 506-5300

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that ***backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.***

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By: Timothy Riera
09/24/2022

Enclosures(s)

Timothy Riera
Acting District Director

cc:

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EXHIBIT B

From: Christopher Berlingieri
Sent: Wednesday, January 25, 2023 12:39 PM
To: CHRISTOPHER FUENTES
Subject: RE: Request Notice of Right to Sue letter.

Dear Mr. Fuentes:

I made the first request for a notice of right to sue in or around August 17.

I have not received a copy of the NRTS letter via portal, email or letter - -Charging party is inquiring – can you please let me know if the NRTS was issued – and send me a copy.

Regards,

Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](#)
F: [914.730.1044](#)
[www.nyctlaw.com](#)

From: [CHRISTOPHER FUENTES](#)
Sent: Tuesday, August 30, 2022 1:11 PM
To: [Christopher Berlingieri](#)
Subject: RE: Request Notice of Right to Sue letter.

Good afternoon,

I will process right away.

Thank you.

From: Christopher Berlingieri <cjb@nyctlaw.com>
Sent: Monday, August 29, 2022 10:20 PM
To: CHRISTOPHER FUENTES <CHRISTOPHER.FUENTES@EEOC.GOV>
Subject: RE: Request Notice of Right to Sue letter.

Dear Mr. Fuentes:

Please process this NRTS request when you can.

Thanks

Regards,

Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)

T: [347.766.5185](tel:347.766.5185)
F: [914.730.1044](tel:914.730.1044)
www.nyctlaw.com

From: [HOLLY SHABAZZ](#)
Sent: Thursday, August 18, 2022 8:51 AM
To: [Christopher Berlingieri](#)
Cc: [CHRISTOPHER FUENTES](#)
Subject: RE: Request Notice of Right to Sue letter.

I will forward this email to the Investigator handling this case. His name is Christopher Fuentes and his email is christopher.fuentes@eeoc.gov Thank you.

From: Christopher Berlingieri <cjb@nyctlaw.com>
Sent: Wednesday, August 17, 2022 9:50 PM
To: NEWYFaxEnf <newyfaxenf@eeoc.gov>
Cc: HOLLY SHABAZZ <HOLLY.SHABAZZ@EEOC.GOV>
Subject: Request Notice of Right to Sue letter.

CAUTION: The sender of this message is external to the EEOC network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to phishing@eeoc.gov.

Dear EEOC:

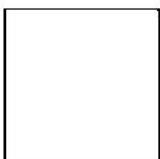
I represent Complainant *Alicia Addonizio*. Please see attached request for notice of right to sue letter.

Thank you for your attention to this matter.

Regards,

Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](tel:347.766.5185)
F: [914.730.1044](tel:914.730.1044)
www.nyctlaw.com

From: [EEOC](#)
Sent: Thursday, June 16, 2022 11:34 AM
To: [Christopher Berlingieri](#)
Subject: Confirmation of Charge Receipt



U.S. Equal Employment Opportunity Commission

Charging Party: Alicia Addonizio

Respondent: NUVANCE HEALTH - DANBURY HOSPITAL

This notice is being sent to you because you recently filed a charge 520-2022-00763 with the U.S. Equal Employment Opportunity Commission (EEOC). EEOC is pleased to inform you that you can now access information about your charge through a secure website, the **EEOC Public Portal**.

EEOC's Public Portal allows you to:

- Update your contact info
- Upload a letter of representation from your attorney if you have one
- Upload documents supporting your charge
- Request the respondent's Position Statement if it submits one, and upload your response
- Check the status of your charge

To access your charge information online:

1. Go to [EEOC Public Portal](#)
2. Select **My EEOC Cases**.
3. Click **Sign-Up Now** under **New Users**.
 - > Enter your contact information and create a password.
 - > When you create your account, you'll automatically log into the Portal.
4. Once you're logged-in, you'll be taken directly to your charge.

IMPORTANT! When entering your contact information, enter the Email Address that this notice was sent to. Only you and the EEOC can access your charge information. If you have an attorney or other representative assisting you with your charge, your representative received a copy of this email. Only one of you may create an account for this charge. If you create an account, you will need to provide your log-in information to your attorney or representative to allow them to access your online charge information.

What You Should Do Next:

There are a few important things to keep in mind after filing a charge with EEOC, particularly:

- ☐ You must keep your documents – both paper and electronic
- ☐ Look for a job and keep records of your job search if you are unemployed

Given the high demand for EEOC's services and the agency's limited resources, we ask you to be patient. EEOC's investigation will vary based on many factors, including the agency's responsibility to focus on matters that serve the broader public interest in equal opportunity. EEOC is committed to strong enforcement of the law and excellent service to the public. Your cooperation is essential to EEOC's investigation of your charge.

EEOC typically receives about 90,000 charges of discrimination from workers out of more than 700,000 contacts seeking information and assistance every year. Although EEOC is able to address thousands of complaints, the agency cannot remedy every potential violation of the federal discrimination laws. Recognizing this, Congress gave workers the right to file lawsuits in court after first allowing EEOC the opportunity to investigate their charge.

If you want to file a lawsuit before the EEOC has finished our investigation, you can request a Notice of Right-to-Sue. Go to <https://www.eeoc.gov/employees/lawsuit.cfm> for more information. If you want the EEOC to continue investigating your charge, don't request a Notice of Right-to-Sue.

Notice of Confidentiality: This email may contain privileged and confidential information, including information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited and

may be unlawful. If you are not the intended recipient, please contact and destroy all copies of the original message and attachments.

▪

From: Christopher Berlingieri
Sent: Tuesday, February 14, 2023 11:27 AM
To: CHRISTOPHER FUENTES
Subject: Re: [REDACTED] NRTS -

Please do. I would like an acknowledgment that today is the first day that I received the notice of right to sue letter. We plan on filing this case immediately in District Court.

Regards,

Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](#)
F: [914.730.1044](#)
[www.nyctlaw.com](#)

On Feb 14, 2023, at 11:23 AM, CHRISTOPHER FUENTES
<CHRISTOPHER.FUENTES@eeoc.gov> wrote:

Good morning,

If you want I can escalate this issue with my supervisor. I am sorry about all the confusion on the EEOC portal.

Thank you.

From: Christopher Berlingieri <cjb@nyctlaw.com>
Sent: Tuesday, February 14, 2023 11:17 AM
To: CHRISTOPHER FUENTES <CHRISTOPHER.FUENTES@EEOC.GOV>; CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>
Subject: RE: [REDACTED] NRTS -

I understand – however I was under the impression that it was not issued.

Please note that today is the first day that I am aware of the Right To Sue Letter. I never had access to the portal – you and I emailed back in August – with Holly Shabazz, and I again emailed you in January.

Since my request in August 17, 2022 – I have been unaware that a Notice of Rights to Sue letter had been issued.

I all emails to the EEOC I have referenced that I have not had access to the portal for this charge in “My Cases” – and as you are aware this is a technical issues prevalent with the EEOC – I am not blaming you by any means. It is just frustrating because I

am unaware of the issuances of the Right to Sue letters as on most cases I am not able to access the portal.

Regards,

Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](#)
F: [914.730.1044](#)
[www.nyctlaw.com](#)

From: [CHRISTOPHER FUENTES](#)
Sent: Tuesday, February 14, 2023 11:13 AM
To: [Christopher Berlingieri](#); [CHRISTIANA DORIETY](#)
Subject: RE: [REDACTED] NRTS -

Good morning,

Our procedure is we upload on the EEOC portal and we release it.

Thank you.

From: Christopher Berlingieri <cjb@nyctlaw.com>
Sent: Tuesday, February 14, 2023 11:11 AM
To: CHRISTOPHER FUENTES <CHRISTOPHER.FUENTES@EEOC.GOV>; CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>
Subject: RE: [REDACTED] NRTS -

Thank you – however this is the first time I am receiving this Notice of Right to Sue letter.

Please advise whether it was sent to my office via first class mail - - I never had access to this charge in the portal.

Regards,

Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](#)
F: [914.730.1044](#)
[www.nyctlaw.com](#)

From: [CHRISTOPHER FUENTES](#)
Sent: Tuesday, February 14, 2023 11:09 AM
To: [Christopher Berlingieri](#); [CHRISTIANA DORIETY](#)
Subject: RE: [REDACTED] NRTS -

Good morning,

We uploaded the RTS on the EEOC portal and released it.
I am sending you a courtesy copy as requested.

Thank you.

From: Christopher Berlingieri <cjb@nyctlaw.com>
Sent: Tuesday, February 14, 2023 10:59 AM
To: CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>
Cc: CHRISTOPHER FUENTES <CHRISTOPHER.FUENTES@EEOC.GOV>
Subject: RE: [REDACTED] NRTS -

You don't often get email from cjb@nyctlaw.com. [Learn why this is important](#)

Ok perfect – thanks for letting me know Ms. Doriety.

Mr. Fuentes,

I respectfully request a Right to Sue letter on behalf of Ms. Addonizio. Please see our first request for the right to sue letter dated 08/17/2022.

Regards,

Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](tel:347.766.5185)
F: [914.730.1044](tel:914.730.1044)
www.nyctlaw.com

From: [CHRISTIANA DORIETY](#)
Sent: Tuesday, February 14, 2023 10:33 AM
To: [Christopher Berlingieri](#)
Subject: RE: [REDACTED] NRTS -

Correction:
520-2022-00763 – (Alicia Addonizio v Nuvance Health filed– 10/12/2021) – via email to NEWYFaxEnf@eeoc.gov (Assigned to Christopher Fuentes, email address is christopher.fuentes@eeoc.gov)

From: Christopher Berlingieri <cjb@nyctlaw.com>
Sent: Tuesday, February 14, 2023 10:20 AM
To: HERNAN MORALES <HERNAN.MORALES@EEOC.GOV>; VANESSA GUEST <VANESSA.GUEST@EEOC.GOV>; CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>; DOLANDA YOUNG <DOLANDA.YOUNG@EEOC.GOV>; GWENDOLYN HOY <GWENDOLYN.HOY@EEOC.GOV>; ARLEAN NIETO <ARLEAN.NIETO@EEOC.GOV>
Subject: RE: [REDACTED] NRTS -

Some people who received this message don't often get email from cjb@nyctlaw.com. [Learn why this is important](#)

I will follow up with each investigator promptly.

If you need any thing that I may be of assistance let me know.

Regards,

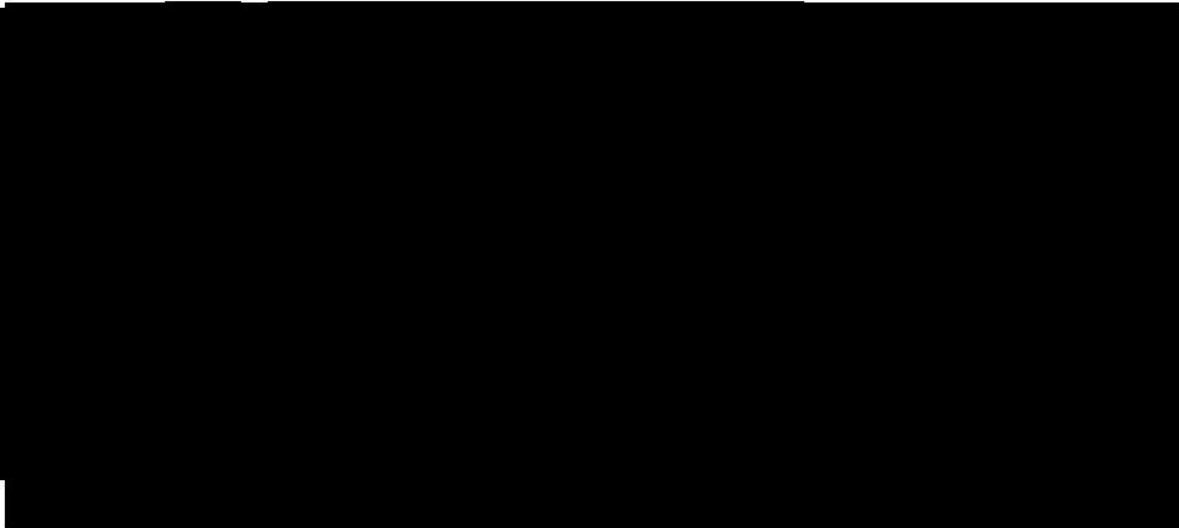
Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](tel:347.766.5185)
F: [914.730.1044](tel:914.730.1044)
www.nyctlaw.com

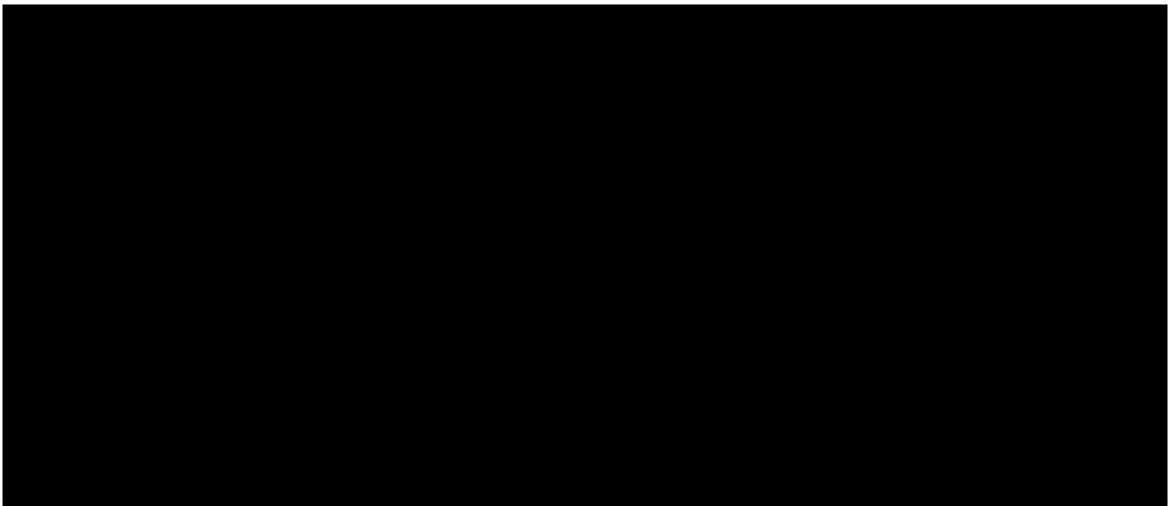
From: [HERNAN MORALES](#)
Sent: Monday, February 13, 2023 4:48 PM
To: [VANESSA GUEST](#); [Christopher Berlingieri](#); [CHRISTIANA DORIETY](#); [DOLANDA YOUNG](#); [GWENDOLYN HOY](#); [ARLEAN NIETO](#)
Subject: RE: [REDACTED] NRTS -

Hello Mr. Berlingieri,

I apologize for any miscommunication you may have encountered. I did take a look at the charge list provided and will say that please going forward, please include the email address for your client as it will help in gaining you access to our portal. I have listed below the charge numbers and investigators handling each specific charge. Some charges are not yet processed but will be shortly. Thank you in advance for your patience and cooperation and have a great rest of the day.

520-2022-00763 – (Alicia Addonizio v Nuvance Health filed– 10/12/2021) – via email to NEWYFaxEnf@eeoc.gov (Assigned to Christiana Doriety, email address is Christiana.Doriety@eeoc.gov)





Regards,

<image001.jpg>

Hernan Morales
Supervisory E.O. Investigator
U.S. Equal Employment Opportunity Commission
33 Whitehall Street, 4th Floor
New York, NY 10004
Email: Hernan.Morales@eeoc.gov

From: VANESSA GUEST <VANESSA.GUEST@EEOC.GOV>
Sent: Thursday, February 9, 2023 2:14 PM
To: Christopher Berlingieri <cjb@nyctlaw.com>; CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>; HERNAN MORALES <HERNAN.MORALES@EEOC.GOV>
Subject: RE: [REDACTED] NRTS -

I have included Mr. Morales who is in charge of our intake unit and will be able to speak to the charges you listed. There are directions in the portal and contact information for assistance using the portal on the site.

From: Christopher Berlingieri <cjb@nyctlaw.com>
Sent: Thursday, February 9, 2023 2:11 PM
To: CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>; VANESSA GUEST <VANESSA.GUEST@EEOC.GOV>
Cc: ARLEAN NIETO <ARLEAN.NIETO@EEOC.GOV>
Subject: RE: [REDACTED] NRTS -

Thank you for asking – it is an issue that I experience with many charges I file.
In addition to [REDACTED]

520-2022-00763 – (Alicia Addonizio v Nuvance Health filed– 10/12/2021) – via
email to NEWYFaxEnf@eeoc.gov

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I'd be happy to forward you the filing emails with my attached cover letters and the
signed charges of these charges if you need them.

Regards,

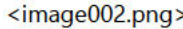
Christopher J. Berlingieri, Esq.
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[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](tel:347.766.5185)
F: [914.730.1044](tel:914.730.1044)
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From: [CHRISTIANA DORIETY](#)
Sent: Thursday, February 9, 2023 1:44 PM
To: [Christopher Berlingieri](#); [VANESSA GUEST](#)
Cc: [ARLEAN NIETO](#)
Subject: RE: [REDACTED] NRTS

Hi Mr. Berlingieri, Esq.,

Could you provide us a list of charges that you do not have access to? Thank you.

Best,

 **Christiana R. Doriety | Federal Investigator**
United States Equal Employment Opportunity Commission
33 Whitehall Street, 5th Floor, New York, NY 10004
Email: christiana.doriety@eeoc.gov

From: Christopher Berlingieri <cjb@nyctlaw.com>
Sent: Thursday, February 9, 2023 1:42 PM
To: VANESSA GUEST <VANESSA.GUEST@EEOC.GOV>
Cc: CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>; ARLEAN NIETO <ARLEAN.NIETO@EEOC.GOV>
Subject: RE: [REDACTED] NRTS

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CAUTION: The sender of this message is external to the EEOC network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to phishing@eeoc.gov.

Dear Ms. Guest:

I did not have access to this Charge within the portal. There are several charges which I am counsel of record that do not come up in My Cases within the EEOC portal.

Today is the first day that I received the document.
Can you please acknowledge receipt of my notification that today is the first day that I received it.

Regards,

Christopher J. Berlingieri, Esq.
Berlingieri Law, PLLC
[244 Fifth Avenue, Suite F276](#)
[New York, NY 10001](#)
T: [347.766.5185](tel:347.766.5185)
F: [914.730.1044](tel:914.730.1044)
www.nyctlaw.com

From: [VANESSA GUEST](#)
Sent: Thursday, February 9, 2023 1:36 PM
To: [Christopher Berlingieri](#)
Cc: [CHRISTIANA DORIETY](#); [ARLEAN NIETO](#)
Subject: [REDACTED] NRTS

Good afternoon,

Please see the attached right to sue was made available October 28, 2022 on the public portal.

Best